

APPEAL NO. 020226
FILED MARCH 7, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 20, 2001. The hearing officer resolved the disputed issue by deciding that the respondent/cross-appellant's (claimant) compensable injury of _____, does not extend to an injury to the cervical spine (neck), but does extend to and include an injury to the right shoulder (impingement syndrome with type II acromion). The appellant/cross-respondent (carrier) appeals the hearing officer's determination that the compensable injury extends to and includes an injury to the right shoulder, and the claimant appeals the hearing officer's determination that the compensable injury does not extend to an injury to the cervical spine.

DECISION

The hearing officer's decision is affirmed.

It is undisputed that the claimant sustained a compensable injury on _____. The issue before the hearing officer involved the extent of the compensable injury. Conflicting evidence was presented on the disputed issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **HIGHMARK CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Thomas A. Knapp
Appeals Judge